

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	Civil No. 4:06-mc-00298
)	
RICHARD S. OHENDALSKI,)	
)	
Respondent.)	

MOTION TO SET ASIDE ORDER OF INCARCERATION

The United States moves to set aside the Court's order of October 2, 2006 remitting the respondent, Richard S. Ohendalski, into the custody of the United States Marshals Service. (Doc. # 22.) On October 5, 2006, Ohendalski produced additional documents requested by the IRS summonses, and from an initial review of the documents, the United States has determined that he has substantially complied, as described in the Notice of Substantial Compliance. (Doc. # 24.) The United States now moves that the Court order Ohendalski released from custody. The IRS will analyze the documents and records Ohendalski has thus far produced and notify the Court, as soon as possible, of its position on whether Ohendalski has fully complied with the summonses. The United States attaches a proposed order.

Respectfully submitted,

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United States Attorney

s/ Jacqueline C. Brown
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Dated: October 6, 2006

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that the foregoing Motion to Set Aside Order of Incarceration has been filed electronically with the Court's CM/ECF system, and that a copy has been served upon the following by United States mail, postage prepaid, this 6th day of October, 2006.

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